

***United States Court of Appeals
for the Second Circuit***



APPENDIX

No. 76-1109.

B
P/S

**United States Court of Appeals for the
Second Circuit.**

No. 76-1109.

UNITED STATES OF AMERICA,
PLAINTIFF-APPELLEE,

v.

PASQUALE INTRIERI,
DEFENDANT-APPELLANT.

ON APPEAL FROM A JUDGMENT OF THE UNITED STATES DISTRICT
COURT FOR THE EASTERN DISTRICT OF NEW YORK.

Appendix.

GERALD ALCH,
One Center Plaza,
Boston, Massachusetts 02108.
(617) 742-5566

WILLIAM J. CINTOLO,
One Center Plaza,
Boston, Massachusetts 02108.
(617) 742-5566

ADDISON C. GETCHELL & SON, INC., THE LAWYERS' PRINTER, BOSTON

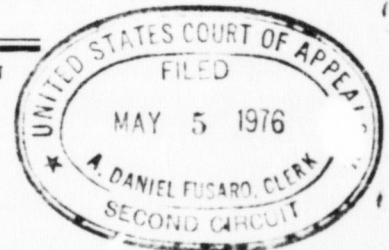


TABLE OF CONTENTS.

Docket entries (75 CR 297)	1
Docket entries (75 CR 690)	4
Motion for discovery	7
Government's answer	12
Motion for directed verdict of acquittal	15
Judgment	20

1. Did file false tax returns, etc.

DATE	PROCEEDINGS
4-15-75	Before NEAHER, J - Indictment filed
4/28/75	Before JUDD, J.- Case called- Deft and counsel present-Deft arraigned and enters a plea of not guilty-case adjd to 10/6/75 at 10:00 A.M. for trial bail at \$20,000.00 P.R. Bond
28/75	Notice of appearance filed
5-14-75	Notice of Motion filed, ret. May 23, 1975, for dismissal of the indictment, suppressing evidence, etc.
5-22-75	Affidavit of Thomas Puccio filed.
1/23/75	Before JUDD, J.- Case called- Deft's motion to dismiss for suppression, etc.-Marked submitted - Decision reserved.
23/75	Reply Affidavit: Omnibus motion on behalf of the deft filed.
1/21/75	By JUDD, J.- Memorandum and Order filed denying motion to dismiss, denying motion to suppress and denying motion for discovery and inspection

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75CR 297

DATE	PROCEEDINGS
8-7-75	Affidavit of Thomas P. Puccio filed
30/75	Notice of readiness for trial filed (entered in 75CR690)
1/21/75	Before JUDD, J. - Case called - deft not present - counsel present - deft's motion for discovery and inspection of brady material argued - motions denied - case adjd to 1/5/76 at 10:00 A.M. for trial
11-24-75	Govts Bill of Particulars filed
-5-76	Before JUDD, J - case called - deft & counsel G. Alch present and William Cintolo present - Trial ordered and BEGUN - Jurors selected and sworn - Trial contd to Jan. 6, 1976.
-76	Before JUDD, J - case called - deft & atty present - Trial resumed - Govt opens - deft opens - trial contd to 1-7-76.
-7-76	Before JUDD, J - case called - deft & atty present - trial resumed - trial contd to 1-8-76.
8-76	Before JUDD, J - case called - deft & atty present - trial resumed - trial contd to 1-12-76.
12-76	Before JUDD, J - case called - deft & counsel present - trial resumed - trial contd to 1-13-76.
1-13-76	Before JUDD, J - case called - deft & counsel present - trial resumed - trial contd to 1-14-76.
1-14-76	Before JUDD, J - case called - deft & counsel present - trial resumed - Stipulations read into the Record - Govt rests - defts motion to dismiss deferred - trial contd to 1-15-76.
1-15-76	Before JUDD, J Motion for directed verdict acquittal filed (received from Chambers)
15-76	Before JUDD, J - case called - deft & counsel present - trial resumed - deft rests - defts motion to dismiss and for judgment of acquittal - argued and motions denied - Govt opens on rebuttal - Govt rests - both sides rest - deft renews all motions to dismiss - motions denied - order of sustenance signed - Govt sums up - deft sums up - Govt sums up on rebuttal - Judge charges Jury - Marshals sworn - alternate juror discharged - jury retires to deliberate at 4:30 PM - 2 Jury notes marked Court Ex. #1 and 2 - Jury deliberations contd to Jan. 16, 1976.
1-15-76	By Judd, J - Order of sustenance filed.
16-76	Before Judd, J - case called - deft & counsel present - trial resumed - Jury deliberations resumed at 9:40 am - Jury returns at 2:30 PM to hear charge to re-read - jury resumes deliberations at 2:55 PM - Jury returns at 3:10 PM to hear further instructions - jury resumes deliberations at 3:15 PM - Jury returns at 5 PM for answer to question - jury resumed deli.

DATE	DESCRIPTION
	berations at 5:05 PM - Jury returns at 9:40 PM and renders a verdict of guilty in counts 1 and 2 in 75 CR 297 and guilty in counts 1 thru 6 in 75 CR 690 - Jury polled - Jury discharged - trial concluded. Bail conditions contd and sentence adjd without date.
BY JUDD, J.-	
1-16-76	Three Orders of sustenance filed (Lunch, dinner & Transportation)
1-19-76	6 volumes of stenographers transcripts filed (placed in file #75 CR 690)
1-19-76	Stenographers transcript filed (pgs 1132 to 1300) placed in relating file 75 CR 690.
3-5-76	Motion for bail pending appeal filed.
3/5/76	Before JUDD, J.- Case called- deft and counsel present- deft sentenced to imprisonment for a period of 5 years on count 1 and for a period of 3 years on count 2 to run concurrent and to run concurrent with sentence imposed in 75 CR 690- execution of sentence stayed pending appeal- deft advised of right to appeal- indictments 75CR297 and 75CR690 consolidated for purpose of appeal for for purpose of filing notice of appeal
3/5/76	Judgment and Commitment filed- certified copies to Marshall
3/5/76	Notice of appeal filed
3/5/76	Docket entries and duplicate of notice of appeal mailed to court of appeals

75CR 690

DATE	PROCEEDINGS	CLERK'S FEES	
		PLAINTIFF	DEFENDANT
-24-75	Bill of Particulars filed		
2/75	Before JUDD, J. - Case called - Deft and counsel present - deft's motion for admittance of pro hac vice of Gerald Alch, Esq. as ^{CO} counsel argued - motion granted - case adjd to 1/5/75 at 2:00 P.M. for trial		
2/75	Motion for admittance pro hac vice of Gerald Alch, esq. and motion for continuance of trial filed		
1-5-76	Before JUDD, J - case called - deft & counsel (Gerald Alch & William Cintolo present) trial ordered and BEGUN - Jurors selected and sworn - trial contd to Jan. 6, 1976.		
1-6-76	Before JUDD, J - case called - deft & atty present - trial resumed - Govt opens - deft opens - Trial contd to Jan. 7, 1976.		
1-7-76	Before JUDD, J - case called - deft & atty present - trial resumed - Trial contd to 1-8-76.		
1-8-76	Before JUDD, J - case called - deft & atty Gerald Alch present - Trial resumed - Trial contd to Jan. 12, 1976.		
1-12-76	Before JUDD, J case called - deft & counsel present - trial resumed - Trial contd to 1-13-76.		
1-13-76	Before JUDD, J - case called - deft & counsel present - trial resumed - Trial contd to Jan. 14, 1976.		
1-14-76	Before JUDD, J - case called - deft & counsel present - trial resumed - Stipulations read into Record - Govt rests - defts motion to dismiss deferred - trial contd to 1-15-76.		
1-15-76	Motion for directed verdict of acquittal filed (received from Chambers)		
1-15-76	Before JUDD, J - case called - deft & atty present - trial resumed - deft rests - defts motion to dismiss and for judgment of acquittal - argued and denied - Govt opens on rebuttal - Govt rests - both sides rest - deft renews all motions to dismiss - argued and denied - order of sustenance signed - Govt sums up - deft sums up - Govt sums up on rebuttal - Judge charges Jury - Marshals sworn - alternate Jurors discharged - Jury retires to deliberate at 4:30 PM - 2 Jury notes marked Court Ex. #1 and 2 - Jury deliberations contd to Jan. 16, 1976.		
1-15-76	By Judd, J - Order of sustenance filed.		
1-16-76	Before JUDD, J - case called - deft & counsel present - trial resumed - Jury deliberations resumed at 9:40 am - Jury returns at 2:30 PM to hear charge to re-read - Jury resumes deliberations at 2:55 PM - Jury returns at 3:10 PM to hear further instructions - jury resumes deliberations at 3:15 PM - jury returns at 5 PM for answer to questions - jury resumes		

75 CR--690
CRIMINAL DOCKET

DATE	PROCEEDINGS
	deliberations at 5:05 PM - Jury returns at 9:40 PM and renders a verdict of guilty in counts 1 and 2 in 75 CR 297 and guilty in counts 1 thru 6 in 75 CR 690-Jury polled and discharged - trial concluded - bail conditions contd and sentence adjd without date -
1-16-76	By JUDD, J - 3 Order of sustenance filed (Lunch, dinner and transportation)
1-18-76	6 volumes of stenographers transcripts filed (pgs 1 - 1131) (transcript inserted in file 75 CR 690)
1-19-76	Stenographers transcript dated Jan. 15, 1976 (pgs 1132-1300) placed in file 75 CR 690.
1-28-76	Motion for Judgment of Acquittal, etc.
2-20-76	Stenographers transcript dated Jan. 16, 1976 filed(placed in 75 CR 690)
3-5-76	Motion for bail pending appeal filed.
3/5/76	Before JUDD, J.- Case called- deft and counsel present- deft's motion for evidentiary hearing re:probation report argued- motion denied- deft sentenced to imprisonment for a period of 5 years on counts 1,3 and 5 to run concurrent- On counts 2,4 and 6 deft sentenced to imprisonment for a period of 3 years to run concurrent and to run concurrent sentence imposed in counts 1,3 and 5 and to run concurrent with sentence imposed in 75 CR 297- deft fined \$5,000.00 on each of counts 1-6 inclusive- execution of sentence stayed pending appeal- deft advised of his right to appeal- indictments 75CR297 and 75CR690 consolidated for purpose of the appeal and for the purpose of filing a notice of appeal
3/5/76	Judgment and Commitment filed- certified copies to Marshal
3/5/76	Notice of appeal filed
3/5/76	Docket entries and duplicate of notice of appeal mailed to court of appeals

BEST COPY AVAILABLE

ROSNER ROSNER & McEVoy

ATTORNEYS AT LAW
6 EAST 43RD STREET
NEW YORK, N. Y. 10017

12121 001-2180

April 21, 1975

Thomas P. Puccio, Esq.
Assistant United States Attorney
Chief, Criminal Division
Office of the United States Attorney,
Eastern District of New York
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York

Re: United States v. Pasquale Intrieri;
Indictment No. 75 CR. 297 (O.C.J.).

Dear Mr. Puccio:

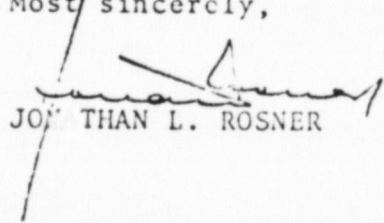
I acknowledge receipt of my copy of your letter of April 18, 1975 to Pasquale Intrieri, which forwarded a copy of the indictment.

Consistent with Rule 3(e) of the Rules of the Court, I am enclosing herewith Schedules I and II which set forth the particulars which we seek and the items of discovery which we would like. I would sincerely appreciate it if you could respond to these items by reference to the number on each schedule so that I might make the appropriate allegations in the motions which we intend to make with respect to the indictment.

In addition, we would, of course, respectfully request that you furnish us with any and all material of an exculpatory nature, whether addressed to guilt or the scope of punishment, or addressed to evidence exculpatory or exculpatory information or impeaching materials.

I await your earliest response.

Most sincerely,


JO^{HN} THAN L. ROSNER

JLR:bh
Encls.
cc. Mr. Pasquale Intrieri

SCHEDULE I

Bill of Particulars

I. As to Count One of the Indictment:

- A. State whether in establishing that the Defendant understated his net taxable income the Government intends to utilize the net worth method or the bank deposit method or the expenditures method or the specific item method.
- B. If the Government intends to utilize the net worth method, set forth with specificity:
 - 1. The Defendant's alleged net worth at the commencement and termination of the taxable period;
 - 2. The alleged expenditures of the Defendant during the taxable period, including the date, amount and payee of each alleged expenditure;
 - 3. The deductions and exemption allowed in arriving at the alleged net taxable income;
 - 4. The alleged unreported income, if any, during the said period and whether the same is alleged to have come from criminal activities or not.
- C. If the Government intends to utilize the bank deposit method, set forth with specificity:

1. Each alleged deposit made by the Defendant or his wife during the taxable period, including with specificity, the date, amount and payor of each alleged deposit and the identity of the bank or other institution where such alleged deposit occurred.
 - D. If the Government intends to utilize the expenditures method, set forth with specificity:
 1. The same specific information sought by Items "B.1." through "B.4." inclusive.
 - E. If the Government intends to utilize the specific item method, set forth with specificity:
 1. Each alleged item of unreported income comprising the alleged understatement of net taxable income by \$24,378.80;
 2. The date on which each such item is alleged to have been received by Defendant;
 3. The person from whom the Defendant is alleged to have received each such item.
 - F. Set forth the mathematical calculations upon which it is alleged the Defendant should have reported an income tax of approximately \$10,611.52.
- II. As to Count Two of the Indictment:
- A. Set forth with specificity the manner in which the Income Tax Return as filed by the Defendant is alleged to have been false.

- B. Identify each alleged item set forth in the Income Tax Return which is alleged to be false, specifying particularly whether the falsity is on the face of the Return and the precise nature of the falsity as to each alleged item.
- C. Set forth with specificity:
1. Each banking or other financial institution with which it is alleged the Defendant did business during the period covered by the Indictment;
 2. The identity of the persons from whom and to whom it is alleged the Defendant received or made payments during the period covered by the Indictment;
 3. A list of the Defendant's alleged assets at the commencement and termination of the period covered by the Indictment;
 4. A list of any assets, set forth with specificity, which it is alleged the Defendant obtained or disposed of for less than full value, identifying the asset, the full value thereof, the date of acquisition or disposition and the amount in fact expended in respect of such acquisition or disposition.

SCHEDULE II

Discovery & Inspection

1. Set forth a true and correct copy of the Defendant's Income Tax Return for the period covered by the Indictment.
2. Set forth true and correct copies of all personal, bank business and other records evidencing the alleged evasion or attempted evasions of a substantial portion of the tax due and owing from Defendant for the period embraced in the Indictment.
3. Set forth true and correct copies of any and all documents obtained by the Government from the Defendant, including any and all statements made by the Defendant, and obtained from third persons by the Government pursuant to process or by other means.

SCHEDULE I

Bill of Particulars

I. As to Count One of the Indictment:

A. Expenditures Method.

B. Not Applicable.

C. Not Applicable.

D. 1. Not Applicable

2. See below:

<u>EXPENDITURES</u>	<u>AMOUNT</u>	<u>PAYEE</u>	<u>DATE</u>
Federal Withholding Tax	2752.00	Per W-2	1968
F.I.C.A.	343.20	Per W-2	1968
Taxes	2045.00	Per Return	1968
Contributions	290.00	Per Return	1968
Interest	535.00	Per Return	1968
Miscellaneous Deductions	1120.00	Per Return	1968
Medical Expenses	1414.00	Per Return	1968
Purchase of Residence	29,063.56	Clara Gluck	1968
Title Insurance	270.50	Home Title Company	1968
Attorney's Fees	250.00	Albert M. Swift	1968
Mortgage Payments	393.75	Whitestone Sav- ings and Loan	1968
Apartment Rental	775.00	LeHavre Realty	1968
Child Support	3120.00	Joan Intrieri	1968
Vacation Expenses	<u>688.79</u>	Joan Intrieri	1968
TOTAL	\$43,060.80		

3. Per Return

4. Unreported Taxable Income: \$24,378.80

In arriving at the above figure, the Government negated non-taxable receipts. This does not exclude the possibility that a portion of the unreported income was derived from criminal activities.

E. Not Applicable.

F. See Attachment A.

II. As to Count Two of the Indictment

A. The following entries on the 1968 Individual Income Tax Return of Pasquale and Rosemarie Intrieri are alleged to be false:

Line 6
Line 9
Line 11b
Line 11d
Line 12a
Line 12c
Line 16
Line 23
Line 25

B. See IIA above.

- C. 1. Eastchester Savings Bank
Emigrant Savings Bank
Chase Manhattan Bank
2. See above (I. D.2.)
Florence Babio
3. Not Applicable.
4. Not Applicable.

FORM 5500-A
(10-1-70)DEPARTMENT OF THE TREASURY - INTERNAL REVENUE SERVICE
INCOME TAX AUDIT CHANGESRETURN FORM NO.
1040

NAME AND ADDRESS OF TAXPAYERS

PASCUALE and ROSEMARIE INTRIERI
33-64 165th STREET
FLUSHING, N.Y. 11358

S.S. OR E.I. NUMBER

068-22-5340

FILING STATUS

MARRIED -
FILING JOINTLYPERSON WITH
WHOM AUDIT
CHANGES
WERE
DISCUSSED

Name and title

1. ADJUSTMENTS TO INCOME

Year 1968

Year:

Year:

a. UNREPORTED TAXABLE INCOME

b. PER SCHEDULE 1.

\$24,378.80

c.

d.

e.

f.

g.

2. TOTAL ADJUSTMENTS

\$24,378.80

3. ~~ADJUSTED~~ TAXABLE INCOME SHOWN ON RETURN
OR AS PREVIOUSLY ADJUSTED

10,505.00

4. CORRECTED ~~TAXABLE~~ TAXABLE INCOME

\$34,883.80

5. TAX

\$9,871.19

6. ALTERNATIVE TAX IF APPLICABLE (From Page _____)

7. TAX SURCHARGE

740.33

8. CORRECTED TAX LIABILITY (Lesser of line 5 or 6, plus line 7)

\$10,611.52

9. LESS
CREDITS
(Specify)

a.

b.

c.

10. BALANCE (Line 8 less amounts on lines 9a through 9c)

\$10,611.52

11. PLUS:

a. Tax from recomputing prior year investment credit

b. Self-employment tax

c.

12. TOTAL CORRECTED INCOME TAX LIABILITY (Line 10 plus amounts on
lines 11a through 11c)

\$10,611.52

13. TOTAL TAX SHOWN ON RETURN OR AS PREVIOUSLY ADJUSTED

2,076.00

14. STATUTORY DEFICIENCY ~~CORRECTION~~ (Difference between
lines 12 and 13)

\$8,535.52

15. PENALTIES (SCHEDULE 5) 96653(6)

4,267.76

OTHER INFORMATION

EXAMINING OFFICER'S SIGNATURE

Maurice DiStasio

DISTRICT

Brooklyn

DATE

4-8-75

FORM 5500-A (12-70)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA	:	Docket Numbers 75-CR-297 and 75-CR-690
-against-	:	
PASQUALE INTRIERI,	:	MOTION FOR DIRECTED VERDICT OF ACQUITTAL
Defendant.	:	

-----X

It is the contention of the defendant that the Government has failed to present a prima facie case sufficient to go to the jury under the "expenditure theory".

In a cash expenditures case reasonable certainty must be established with regard to assets available to the defendant at the outset of the prosecution period. There must be enough proof, under the cash expenditure method of determining taxable income, of both an opening and a closing net worth to rule out as explanations of expenditures sources of funds available to the defendant prior to the commencement of the period embraced by the indictment. The Government must present, in its case in chief, an opening net worth of the defendant with reasonable certainty to serve as a starting point from which to calculate future increases in the taxpayer's assets. Although the cash expenditure theory, as distinguished from the net worth theory, does not require,

necessarily, the establishment of a formal opening net worth, the Government must make clear the extent of any contribution which beginning resources or a diminution of resources under the time embraced by the indictment could have made to expenditures. Taglianetti v. U.S., 398 F.2d 558 (1st Cir. 1968).

The Government has unequivocally stated in its bill of particulars its reliance upon the expenditure theory. Therefore, it has the burden of introducing prima facie evidence of the issue of whether any expenditures found to be in excess of reported income can be accounted for by assets available at the outset of the prosecution period. U.S. v. Johnson, 319 U.S. 503, 63 Sup. Ct. 1233 (1943).

"The application of the cash expenditure method with neither a head nor a tail to it will not do." Olinger v. Commissioner of Internal Revenue, 234 F.2d 823 (5th Cir. 1956). There must be enough proof of both head and tail to rule them out as explanations of the expenditures.

In a prosecution based upon the cash expenditure theory the first element that must be established is what funds are available to the taxpayer at the opening date of

the prosecution year. If there is no established figure showing the source from which expenditures during the year can be made then there is no relevance to proof of expenditures during the year. Dupree v. U.S., 218 F.2d 781 (5th Cir. 1955). There must be a "satisfactory starting point". Ford v. U.S., 210 F.2d 313 (5th Cir. 1954).

When the Government resorts to the cash expenditure method of reconstructing income it is necessary to establish with reasonable certainty an opening net worth to serve as a starting point from which to calculate future increases in the taxpayer's assets. The importance of accuracy in this figure is immediately apparent, as the correctness of the result depends entirely upon the inclusion in any alleged increase of the taxpayer's assets, of all assets on hand at the outset. Hoffman v. C.I.R., 298 F.2d 784 (3rd Cir. 1962).

The theory of the "expenditure test" must begin with an appraisal of the taxpayer's net worth situation at the beginning of a period; for if his expenditures have exceeded the amount he has returned as income and only if his net worth at the end of the period is the same as it was at the beginning, only then may it be concluded that his income tax return shows less income than he has in

fact received. U.S. v. Caserta, 199 F.2d 905 (3rd Cir. 1952).

The Government must negate sources of nontaxable income by establishing an opening net worth and then showing, by investigation or otherwise, an absence of additional nontaxable sources. U.S. v. Penosi, 452 F.2d 217 (5th Cir. 1971); U.S. v. Newman, 468 F.2d 791 (5th Cir. 1972).

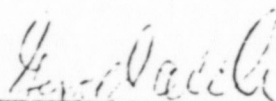
The Government must prove with reasonable certainty the amount of undeposited cash at the beginning of the year embraced by the time of the indictment. U.S. v. Slutsky, 487 F.2d 832 (2nd Cir. 1973).

If expenditures made by a taxpayer come from a cash hoard "they are not income" when taken from their storage place, nor when deposited in a checking account, nor when spent. U.S. v. Frank, 245 F.2d 284 (3rd Cir. 1957).

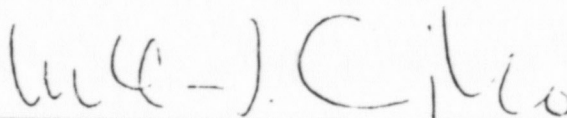
The defendant contends that the Government's case in chief fails to establish, with reasonable certainty, the existence or nonexistence or the amount of cash assets available to the defendant as of January 1, 1968. Accordingly, not having met its prima facie burden of

proof, the defendant submits that a directed verdict of acquittal is mandated.

By his attorneys,



Gerald Alch, Esq.
One Center Plaza
Boston, Massachusetts 02108
(617) 742-5566



William J. Cintolo, Esq.
One Center Plaza
Boston, Massachusetts 02108
(617) 742-5566

PASQUALE INTRIERI

DOCKET NO. 75 CR 297

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA

In the presence of the attorney for the government
the defendant appeared in person on this date

MONTH 3 DAY 5 YEAR 1976

COUNSEL

☐ WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

☒ WITH COUNSEL

Gerald Alch Esq.

(Name of counsel)

PLEA

☐ GUILTY, and the court being satisfied that
there is a factual basis for the plea,☐ NOLO CONTENDERE,☒ NOT GUILTY

MAR 5 1976

There being a finding/verdict of

☐ NOT GUILTY. Defendant is discharged☒ GUILTY, in counts 1 and 2

TIME A.M. P.M. FILED

FINDING &
JUDGMENT

Defendant has been convicted as charged of the offense(s) of violating T-26, U.S.C. Sec. 17203 7206(1) in that on or about April 15, 1969, the defendant did willfully and knowingly attempt to evade and defeat an large part of the income tax due and owing by him and his wife to the U.S., by preparing, and mailing a false and fraudulent income tax return on behalf of self and his wife which was filed with the I.R.S., and the defendant did willfully and knowingly make and subscribe a 1968 U.S. Individual Income Tax Return, which was verified by a written declaration that made under the penalties of perjury and was filed with the I.R.S. income tax return he did not believe to be true as to every matter.

The court asked whether defendant had anything to say, why he should not be imprisoned, or why he should not be committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of 5 years.

on count 1 and for a period of 3 years on count 2 to run concurrent to run concurrent with the sentence imposed in 75 CR 690. Execut sentence stayed pending appeal.

SENTENCE
OR
PROBATION
ORDERSPECIAL
CONDITIONS
OF
PROBATIONADDITIONAL
CONDITIONS
OF
PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set forth on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant for arrest for a violation occurring during the probation period.

The court orders commitment to the custody of the Attorney General and recommends,

BEST COPY AVAILABLE

It is ordered that the Court
a certified copy of this
judgment and commitment to the
Attorney General and other qualified

Addison C. Getchell & Son, Inc.

THE LAWYERS' PRINTER SINCE 1870

160 North Washington Street, Boston, Massachusetts 02114

Telephone (617) 227-4870

NO. 76-1109

United States Court of
Appeals for the Second Circuit

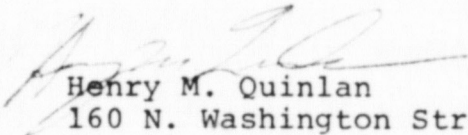
United States
v.
Pasquale Intrieri

Brief and appendix for appellant

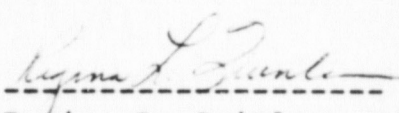
Affidavit of Service

I, Henry M. Quinlan, an employee of ADDISON C. GETCHELL & SON, INC., of Boston, Massachusetts, printers of the enclosed perfected briefs and appendices, hereby certify that on the third day of May, 1976, I served two copies of the brief and appendix on each party separately represented as follows:

Thomas Puccio, Asst. U.S. Attorney, 225 Cadman Plaza East
Brooklyn, N.Y.


Henry M. Quinlan
160 N. Washington Street
Boston, Ma 02114

Then personally appeared before me the above-mentioned Henry M. Quinlan and made oath to me to the truth of the above affidavit by him subscribed this third day of May, 1976



Regina L. Quinlan
Notary Public
My commission expires on:
9-29-78